

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

JUVENAL GUEVARA, JR., #1907012,

Plaintiff,

v.

DONALD TRUMP, *et al.*,

Defendants.

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Case No. 6:18-CV-649-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On May 23, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 5) recommending that the action be dismissed with prejudice for purposes of proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915(g)—but without prejudice as to the refiling of his lawsuit without seeking *in forma pauperis* status. A return receipt indicating delivery to Plaintiff was received by the Clerk on July 3, 2019 (Docket No. 6).


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*,

492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 5) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 5) be **ADOPTED** and that the above-styled civil action be **DISMISSED WITH PREJUDICE** for purposes of proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915(g)—but **DISMISSED WITHOUT PREJUDICE** as to the refiling of his lawsuit without seeking *in forma pauperis* status for purposes of *in forma pauperis* proceedings pursuant to 28 U.S.C. § 1915(g). It is also **ORDERED** that if Plaintiff pays the \$400.00 filing fee within thirty days from the entry of final judgment, Plaintiff may proceed with his lawsuit. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **12th** day of **August, 2020**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE